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MARCH 11, 2010

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## RIGHT OF WAY OCCUPANCY NEW PERMITS

1. KARL J. & SHARON R. MANGINO Permit Number 13577  
St. Lucie County Appl. No. 09-1216-3  
(Easement)

AUTHORIZING: EXISTING DOCK, FENCE PANEL AND LANDSCAPING CONSISTING OF 20 ARECA SHRUBS ENCROACHING APPROXIMATELY 6' (62' FROM THE TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 238 S.W. DALTON CIRCLE (LOT 36, BLOCK 2896, PORT ST. LUCIE SECTION 41).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

2. GARY & NANCY SCHELLINGER Permit Number 13578  
St. Lucie County Appl. No. 09-1223-3  
(Easement)

AUTHORIZING: EXISTING WALKWAY AND LANDSCAPING CONSISTING OF 2 SEAGRAPE TREES AND 1 SABAL PALM TREE ENCROACHING APPROXIMATELY 6' (84' FROM THE TOP OF BANK) WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 138 S.W. DALTON CIRCLE (LOT 19, BLOCK 2896, PORT ST. LUCIE, SECTION 41).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

3. GERALD D. & KATHERINE P. ERGLE Permit Number 13581  
St. Lucie County Appl. No. 09-1223-1  
(Easement)

AUTHORIZING: EXISTING DOCK WITH RIP-RAP WITHIN THE SOUTH RIGHT OF WAY OF C-24 AT THE REAR OF 1141 S.W. ABINGDON AVENUE (LOT 14, BLOCK 1591, PORT ST. LUCIE SECTION 23).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

4. ELIZABETH C. ENTRIKIN Permit Number 13582  
St. Lucie County Appl. No. 09-1229-1  
(Fee and Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF 2 CITRUS TREES AND 2 CABBAGE PALM TREES ENCROACHING APPROXIMATELY 24' (76' FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-23 AT THE REAR OF 800 S.W. ABBOT AVENUE (LOT 2, BLOCK 2281, PORT ST. LUCIE SECTION 33).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

## RIGHT OF WAY OCCUPANCY NEW PERMITS

5. DEBRA DUNCAN Permit Number 13583  
St. Lucie County Appl. No. 09-1223-2  
(Fee)

AUTHORIZING: EXISTING FENCE ENCLOSURE ENCROACHING 20' (78' FROM THE TOP OF BANK) WITH A DOGHOUSE INSIDE THE FENCING WITHIN THE NORTH RIGHT OF WAY OF C-23 AT HE REAR OF 828 S.W. ABBOT AVENUE (LOT 37, BLOCK 2272, PORT ST. LUCIE SECTION 33).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

6. MICHAEL YOHEM Permit Number 13602  
Palm Beach County Appl. No. 09-1012-1  
(Fee)

AUTHORIZING: REPLACEMENT OF EXISTING DOCK; AN EXISTING SUNDECK, PIER AND MOORING PILES TO REMAIN, INCLUDING EXISTING ELECTRICAL SERVICE TO DOCK; ALSO, AN EXISTING FENCE ENCLOSURE WITH 2 TREES INSIDE THE FENCING ENCROACHING 5' (40' FROM THE TOP OF BANK) TO REMAIN; AND, THE PROPOSED REMOVAL OF EXOTIC VEGETATION ALL WITHIN THE SOUTH RIGHT OF WAY OF C-17 AT THE REAR OF 2885 HINDA ROAD (LOT 17, KELSEY ACRES NO. 2).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

7. DAVID & WENDY DURBIN Permit Number 13598  
Okeechobee County Appl. No. 09-1229-2  
(Easement)

AUTHORIZING: EXISTING DOCK AND A PROPOSED GAZEBO WITH ELECTRICAL SERVICE ENCROACHING APPROXIMATELY 60' (40' FROM THE TOP OF BANK) WITHIN THE EAST RIGHT OF WAY OF L-47 AT HE REAR OF 13000 U.S. HIGHWAY 441, SOUTHEAST (LOT 3, FLYING G ESTATES).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

8. DAVID & TOBI STEINHARDT Permit Number 13595  
Palm Beach County Appl. No. 09-1014-3  
(Fee)

AUTHORIZING: EXISTING AND PROPOSED TREES ENCROACHING 22' – 28' (42' – 48' FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF THE HILLSBORO CANAL AT THE REAR OF 6010 VISTA LINDA LANE (LOT 16, BLOCK 1, BUENA VISTA).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

## RIGHT OF WAY OCCUPANCY NEW PERMITS

9. CITY OF COOPER CITY  
Broward County
- Permit Number 13600  
Appl. No. 10-0121-1  
(Easement)

AUTHORIZING: EXISTING 24" CULVERT CONNECTION THROUGH THE SOUTH RIGHT OF WAY OF C-11S LOCATED APPROXIMATELY 1000' EAST OF FLAMINGO ROAD BRIDGE.

LAST DATE FOR BOARD ACTION: APRIL 15, 2010

## RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

1. CLAIR E. & SHERLANNE M. CITRONE  
St. Lucie County

Permit Number 11629  
Appl. No. 10-111-3  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 50' (50 FEET FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-23 AT THE REAR OF 918 S.W. ABBOT AVENUE (LOT 29, BLOCK 2272, PORT ST. LUCIE SECTION 33).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

2. STEVEN G. & TERESA J. WOOD  
St. Lucie County

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Permit Number 9838  
Appl. No. 10-0113-1M  
(Easement)

AUTHORIZING: EXISTING LANDSCAPING CONSISTING OF VARIOUS TREES ENCROACHING APPROXIMATELY 10' (70' FROM THE TOP OF BANK) WITHIN THE NORTH RIGHT OF WAY OF C-24 AT THE REAR OF 950 S.W. SULTAN DRIVE (LOT 9, BLOCK 1291, PORT ST. LUCIE SECTION 12).

LAST DATE FOR BOARD ACTION: MARCH 11, 2010

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## RIGHT OF WAY OCCUPANCY PERMITS WITH WAIVER OF DISTRICT CRITERIA

1. Consideration of a request by **Fernando Munilla** (Application No. 09-0508-1, Permit Number 13596) for issuance of a Right of Way Occupancy Permit to allow existing buried electric and lights and Waiver of the District's criteria to allow existing trees to remain within the west right of way of C-100C at the rear of the 14221 S.W. 78<sup>th</sup> Court, Palmetto Bay, FL. Location: Miami-Dade County, Section 22, Township 55 South, Range 40 East.

The applicant's request for waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works and Lands of the District is based on a substantial hardship and principles of fairness. The applicant asserts that the trees have existed since prior to his purchase of the property three years ago. Applicant states that it would be a costly process to remove and/or relocate the trees. He maintains the right of way and the trees to keep them from becoming overgrown. Also, many other homes along the canal have similar permitted trees located within the right of way. The District's Operations Resource Management staff has determined that the existing above-ground facilities do not significantly interfere with the District's access and ability to perform necessary construction, alteration, operation and maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S. notice of the petition was provided to the Department of State and was published in *Volume 35, Number 31* of the *Florida Administrative Weekly* on *August 7, 2009*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit No. 13596 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.  
(Easement)

## RIGHT OF WAY PERMIT APPLICATIONS FOR DENIAL

1. Consideration of a request by **Loc Thu Ma** (Application Number 09-0219-1), for issuance of a Right of Way Occupancy Permit to allow certain existing, unauthorized encroachments to remain within the south right of way of C-9 at the rear of 20050 N.W. 3<sup>rd</sup> Place, Miami, FL. Location: Miami-Dade County, Section 36, Township 51 South, Range 41 East.

Staff recommends **denial** of the request for issuance of the application due to the fact that the applicant is no longer the owner of the land lying adjacent to the District's canal and therefore is not in compliance with District Rule 40E-6.221(9), Florida Administrative Code, which states: "Except for utilities, both essential and non-essential, an applicant must own or lease the land adjacent to or served by the portion of the works or lands of the District involved."